

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

CIVIL NO. 12-257 (JB-JFG)

LARRY A. GOLDSTONE,  
CLARENCE G. SIMMONS, III, and  
JANE E. STARRETT,

Defendants.

**DECLARATION OF STEPHEN MCKENNA IN OPPOSITION TO  
DEFENDANTS' MOTIONS TO DISMISS**

I, Stephen C. McKenna, make the following declaration under penalty of perjury pursuant to 28 U.S.C. § 1746:

1. I am an attorney for the Plaintiff United States Securities and Exchange Commission, am licensed to practice law in the State of Colorado, and on March 27, 2012 I was duly admitted and qualified to practice as an attorney in the United States District Court for the District of New Mexico.

2. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.

3. Attached here to as Exhibit A is a listing of statements taken from the Motion to Dismiss on Behalf of Defendants Larry Goldstone and Clarence G. Simmons and Memorandum of Law in Support and Defendant Jane Starrett's Motion to Dismiss and Memorandum of Points and Authorities In Support.

4. Attached hereto as Exhibit B is a true and correct copy of relevant pages from investigative testimony taken of Larry Goldstone on March 16, 2010.

I declare under penalty of perjury that the foregoing statements are true and correct.

Executed this 20<sup>th</sup> day of June, 2012

s/ Stephen C. McKenna